REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Amended claims 2, 9 define that the first and second rising wall sections each perform positional alignments. Further, the first and second rising wall sections are formed to be spaced apart from the formed sections respectively by a predetermined distance. In the disclosed embodiment, the centers of the first and second rising wall sections are respectively located at positions spaced apart from the nearest formed sections by same distance L.

As a result, the positional alignment between the formed section of the second separator member, and the opposite formed section of the first separator member can be easily performed. Claim 2 defines that the rising wall section of the first separator member is fittingly inserted into the rising wall section of the second separator member. These explanations are also described in the specification at Paragraph 14, lines 22-25, paragraph 16, lines 10-15, paragraph 17, lines 14-24, and Figs 4 and 5 of the original English text.

In certain applications, it may be important for the metal separator for a fuel cell for improving the electric power generation efficiency that the fuel gas channel and the oxidant

gas channel opposed to each other via a electrolyte film do not deviate from each other. In other words, it may be important that there is no deviation between each of the opposing formed sections of the first separator member and formed section of the second separator member. This explanation is described in paragraph 10, lines 18-24 of the original English text.

The claimed techniques enable maintaining the deviation amount between two separator members in a way that is not suggested by the cited prior art.

Claims 1 and 8 are rejected over EP0978891. This contention has been obviated by the amendments made herein. EPO '891 discloses that fuel cell separators each consisting of multiple uneven plates, are arranged on the surface of the electrode in an airtight manner (paragraph [0058]). Further, EPO '891 disclose that it is difficult to adopt caulking to the manufacture of various multiple uneven plates (See paragraph [0007]).

Claims 1 and 8 stand alternatively rejected over JP11-239834. JPO '834 discloses a superposition junction structure of a tabular metal. In this superposition junction structure, mostly done in up-and-down lower holes, top sheet metal and bottom sheet metal are piled up. Next the periphery section of the lower holes are started up by carrying out burring shaping upwards from the lower part of the bottom sheet metal.

Herewith, a cylindrical part (rising wall section) is formed (See paragraphs [0017] and [0018] in the machine translated text).

The difference from the combination of EPO '891 and JPO '834. EPO '891 in view of JPO '834 do not disclose the claimed first and second rising wall sections for performing a positional alignment. Moreover, EPO '891 and JPO '834 do not disclose that the first and second rising wall sections pre-formed on the first and the second separator member being spaced apart from the formed sections by a predetermined distance. Accordingly, the amended claims 2 and 9 overcome the claim rejection under §35 U.S.C. 103(a).

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Attorney's Docket No.: 15468-003001/PA0116US

Applicants ask that all claims be allowed. No fee is believed to be due, however please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 31, 2006

Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10592472.doc